

REMARKS

Claims 19, 25 and 30 have been amended. Claims 21 and 33 have been canceled without prejudice or disclaimer. Entry of the present after-final amendment is respectfully requested as it is believed to either place the application in condition for allowance or at least in better form for appeal.

Initially, the applicant would like to thank Examiner Khan for the courtesies extended to Kerry S. Culpepper (Reg. No. 45,672) during the interview on July 16, 2009. During the interview, the differences between the above independent claims 19, 25 and 30 and cited references U.S. Patent Nos. 6,532,336 to Maruyama and U.S. Patent Publication No. 2008/0209300 to Fukushima and were discussed in line with the below remarks. The examiner stated that the above-amendments would be entered if presented as an after-final amendment.

Claims 19, 25 and 30 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Particularly, it has been asserted that the specification does not describe the limitation of "if the detecting section has detected the identification information, starting to decode the next unit without outputting the data in the unit." This rejection is respectfully traversed.

Referring to the published version of the present application (2007/0098356), as described on, for example, paragraph [0063], the stream splitting section inserts error data which is different from content data when it detects the dummy identifier. When decoders 66, 70 detect the error data, the decoders 66, 70 discard incomplete content data at the end of the stream TS-A and a portion of the stream TS-B. Thus, the decoders 66, 70 do not play the error data.

Further, as discussed in paragraph [0068], the dummy data is not supposed to be played back.

The examiner correctly notes that in paragraph [0077] it is stated that the dummy data is output as it is without being decoded. However, here "output" is in the context of

operations performed by the decoder 83. As mentioned above, the decoders 66, 70 discard incomplete content data.

Therefore, because the specification describes the limitation of "if the detecting section has detected the identification information, the decoding section does not output the data in the unit that is going to be decoded and starts to decode the next unit", it is respectfully requested that the rejection of claims 19, 25 and 30 be withdrawn.

Claims 19-20, 23-26, 28-32 and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,532,336 to Maruyama in view of U.S. Patent Publication No. 2008/0209300 to Fukushima. For the reasons discussed below, these claims, as amended, should now be in condition for allowance.

Claims 19, 25 and 30 were amended to recite the novel embodiment described, for example, paragraphs [0063] and [0068]-[0072] in which the inserting section inserts the identification information into a point where the streams acquired by the stream acquiring section have their stream data discontinued so that a unit in one of the streams is incomplete.

Particularly, as discussed on, for example, paragraph [0069], the ES 76 obtained from the TS-A includes non-playable I-picture data 76b. Such non-playable picture is an example of "incomplete" data. Further, as discussed on paragraphs [0071]-[0072], there is non-playable B-picture data 78 in 78 in the ES 79 obtained from the TS-B. If such non-playable frame data were subject to playback processing, then the frame picture presented would be disturbed or a decoding error might occur.

This problem is resolved by the detecting section detecting the identification information, and the decoding section not outputting the data in the unit that is going to be decoded and starting to decode the next unit as recited in claims 19, 25 and 30.

The examiner correctly notes that Maruyama describes a dummy pack in the end of each Video Object 85. However, the Video Objects in Maruyama do not teach or suggest discontinuous streams in which a unit in one of the streams is incomplete

as called for in claim 19, 25 and 30. Rather, each video object unit 85 is a complete set of video and audio packs (see col. 12, lines 16-20).

Moreover, Maruyama also fails to teach that the dummy packet is inserted at a point where the streams acquired by the stream acquiring section have their stream data discontinued so that a unit in one of the streams is incomplete.

Further, as conceded by the examiner, Maruyama fails to expressly disclose that if the identification information is detected, the decoding section does not output the data in the unit that is going to be decoded and starts to decode the next unit as called for in claims 19, 25 and 30. The examiner has cited Fukushima in order to cure the deficient teachings of Maruyama.

Fukushima describes a data receiving unit which includes an error packet detection unit 22 for detecting error packets in which errors have occurred during transmission. The data receiving unit also includes a packet priority decision unit 24 which receives the detection result from detection unit 22 and decides a priority of the error packet. If an error packet is detected, if its transmission is high, a retransmission request is made.

It was asserted during the interview that the priority information describes identification information. However, Fukushima also fails to teach or suggest an inserting section which inserts the priority information into a point where the streams acquired by the stream acquiring section have their stream data discontinued so that a unit in one of the streams is incomplete.

Moreover, neither Maruyama nor Fukushima recognizes the above described problem which pertains to discontinuous streams. Accordingly, absent hindsight knowledge of the present application, one skilled in the art would simply have no reason to modify Maruyama so that priority information described in Fukushima was added to the dummy packets of Maruyama, and so that the dummy packet were added at points where the video object were discontinuous as recited as called for in claims 19, 25 and 30. Accordingly, the rejection of claims 19, 25 and 30 should be withdrawn.

Claims 20, 23, 26, 28, 32 and 35 depend from claims 19, 25 and 30. Accordingly, the rejection of these claims should be withdrawn for the above-mentioned reasons with respect to claims 19, 25 and 30.

Claim 24 depends from 19. Therefore, the rejection of claim 24 should be withdrawn for the above-mentioned reasons with respect to claim 19.

Claims 29 and 31 recite the novel embodiment in which the each of the first and second streams includes a number of units and a portion of a unit, and the first and second streams are split at the portions of the unit.

For example, as shown in Fig. 7, the first stream is TS-A and the second stream is TS-B. The first stream TS-A includes a unit (PIC-H and B-Picture Data) as well as other units. The first stream also includes a portion of another unit (portion of I-picture data 76b and various headers 76a). The second stream TS-B includes a unit (various headers 79a and I-picture data 79b) as well as other units. The second stream also includes a portion of another unit (portion of B-picture data 78). The first and second streams are split (divided) at the portions 76 and 78.

In comparison, in Murayama, as discussed above, the video object units 85 are not split. Accordingly, the rejection of claims 29 and 31 should be withdrawn.

Claims 22, 27 and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,532,336 to Maruyama in view of U.S. Patent Publication No. 2008/0209300 to Fukushima and further in view of U.S. Patent No. 6,823,131 to Abelard *et al.* For the reasons discussed below, these claims, as amended, should now be in condition for allowance.

Claims 22, 27 and 34 depend from claims 19, 25 and 30. Accordingly, the rejection of claims 22, 27 and 34 should be withdrawn for the above-mentioned reasons with respect to claims 19, 25 and 30.

Accordingly, all claims 19, 20, 22-32, 34 and 35 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Mark D. Saralino/

Mark D. Saralino
Reg. No. 34,243

DATE: August 10, 2009

The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

okudp137amendmentafterfinal2